

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

19-CR-227-JLS (MJR)

JOSEPH BONGIOVANNI,

Defendant.

GOVERNMENT'S LIST OF POTENTIAL WITNESSES

THE UNITED STATES OF AMERICA, by and through its attorney, Trini E. Ross, United States Attorney for the Western District of New York, Corey R. Amundson, Chief of the Public Integrity Section, Joseph M. Tripi and Brendan T. Cullinane, Assistant United States Attorneys, and Jordan Dickson, Trial Attorney, Public Integrity Section, of counsel, hereby serves on the Court and counsel a list of the witnesses the government may call during the evidentiary hearing scheduled for November 18, 2021, in this matter.

The government reserves its rights to modify this witness list, to call additional witnesses not listed based upon the evidence adduced at the hearing, and/or to not call a particular witness listed below. The brief descriptions following each witness name listed below are for the convenience of the Court and the parties, and such descriptions should not be construed as a statement of the witness, or as a complete synopsis of anticipated testimony.¹

¹ Witnesses may be called in an order different from the order in this list. Several government witnesses are from out of the District and the government will be making efforts to accommodate travel schedules, to the extent possible.

It is the understanding of the government that the evidentiary hearing will involve two issues: (1) the Border Search of defendant Joseph Bongiovanni's cell phone on April 23, 2019, at BWI Airport; and (2) statements defendant Joseph Bongiovanni made at his residence on June 6, 2019, to law enforcement.

1. **Homeland Security Investigations Special Agent Edward J. Williams:** It is anticipated that Special Agent (SA) Williams will testify that he was on the tactical team that made entry to, and assisted in the search of, 85 Alder Place, Kenmore, New York, on June 6, 2019. SA Williams may testify regarding his actions, observations, impressions, and lay opinions regarding the events of June 6, 2019.

2. **Homeland Security Investigations Special Agent Michael J. Ball:** It is anticipated that Special Agent (SA) Ball may testify that he was on the tactical team that made entry to, and assisted in the search of, 85 Alder Place, Kenmore, New York, on June 6, 2019. SA Ball may testify regarding his actions, observations, impressions, and lay opinions regarding the events of June 6, 2019.

3. **Homeland Security Investigations Special Agent Curtis E. Ryan:** Special Agent Ryan will testify regarding the Border Search resulting in the search of defendant Bongiovanni's cell phone at BWI Airport on April 23, 2019, and the voluntary and non-custodial interview of defendant Bongiovanni at 85 Alder Place on June 6, 2019, which was the day law enforcement executed a federal search warrant at defendant Bongiovanni's residence.

4. **Federal Bureau of Investigation Special Agent Brian A. Burns:** Special Agent Burns will testify regarding his participation and observations regarding the events of June 6, 2019, during the execution of the search warrant at 85 Alder Place, Kenmore, New York, and his interactions, observations, and voluntary interview of the defendant's wife, Lindsay Bongiovanni, on June 6, 2019.

5. **U.S. Department of Treasury Special Agent David Carpenter:** Special Agent Carpenter may testify regarding his participation, observations, impressions, and lay opinions regarding the June 6, 2019, voluntary and non-custodial interview of defendant Bongiovanni at 85 Alder Place, Kenmore, New York.

6. **U.S. Customs and Border Protection Officer Kipplin Carter:** Officer Carter will testify regarding his participation in the search of defendant Bongiovanni's cell phone on April 23, 2019, after the defendant arrived at Baltimore-Washington International Airport en route from the Dominican Republic.

7. **U.S. Customs and Border Protection Officer Steven Wachstein:** Officer Wachstein may testify regarding his role related to the search of defendant Bongiovanni's cell phone on April 23, 2019, after the defendant arrived at Baltimore-Washington International Airport en route from the Dominican Republic.

8. **Assistant United States Attorney Paul C. Parisi:** Unless the defendant stipulates, the Court agrees to take judicial notice, or the document is otherwise introduced

into evidence during the hearing, the government will call Assistant United States Attorney Parisi to authenticate search warrant application 17-M-5163, which was authored and signed by the defendant, and submitted to and signed by United States Magistrate Judge Michael J. Roemer. In the affidavit, the defendant: described his training and experience, including his experience with search warrants; explained his knowledge of a books and records warrant and distinguished it from an arrest warrant; and requested a “no knock” search warrant.

DATED: Buffalo, New York, November 17, 2021.

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Chief

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